

REMARKS

I. Status of the Claims

Claims 1-33, 38-82, and 87-102 are pending in this application and stand rejected. No claim has been amended or canceled in this paper.

II. Rejection under 35 U.S.C. § 103(a)

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The Examiner maintains the rejection of claims 1-33, 38-82, and 87-102 under 35 U.S.C. § 103(a) "as being unpatentable over Blankenburg et al. (WO/99/04750 translation) ("Blankenburg") in view of Firstenberg et al. (USPN5297566)" ("Firstenberg"), "for the reasons set forth in the Office Action dated February 8, 2005." Final Office Action at 2. In particular, the Examiner asserts that Blankenburg teaches "the use of polymers containing polysiloxanes for hair cosmetic formulations," and more specifically that "[a] water-dispersible polymer comprising ethylenically unsaturated monomers and polyalkylene oxide containing silicone derivatives." Office Action dated Feb. 8, 2005. at 2-3. According to the Examiner, Blankenburg is deficient only in that it "lacks polyvinylpyrrolidone/vinyl acetate/vinyl propionate terpolymers, preferred cosmetic mediums, and preferred percent weight." *Id.* at 3.

The Examiner cites Firstenberg, in an attempt to cure the deficiencies of Blankenburg, asserting that Firstenberg "teaches an aerosol device comprising a container containing an aerosol composition, comprising a liquid phase containing at least one film-forming polymer in a solvent and a gas phase." *Id.* (citing Firstenberg at col. 1, lines 44-62; Examples 1-16). The Examiner continues by stating that "[v]inylpyrrolidone/vinyl acetate/vinyl propionate copolymer is taught and exemplified as